

STATE OF ILLINOIS |
 | SS.
COUNTY OF COOK |

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE |
STATE OF ILLINOIS |
 | #91-CR-21147
 |
VS |
 |
TERRANCE BROOKS |

REPORT OF PROCEEDINGS

BE IT REMEMBERED that this cause came on
for hearing on the 15th day of April, A.D., 1994
before the Honorable EARL STRAYHORN, Judge of
this court.

APPEARANCES:

HON. JACK O'MALLEY,
State's Attorney of Cook County, by
MR. JOHN MULDOON,
Assistant State's Attorney,
appeared for the People.
MR. DENNIS GIOVANINNI,
appeared for the defendant.

Dawn Lombardo, C.S.R.
2650 South California Avenue, 4C02
Chicago, IL 60608

1 THE CLERK: Ivan Smith.

2 MR. NOLAN: Dan Nolan, Public Defender's Office,
3 on his behalf.

4 We commenced and continued our motion to
5 suppress statements yesterday. We called a witness,
6 Lois Coleman, out of order.

7 With leave of Court I would call Ivan Smith
8 to the stand now.

9 (Witness sworn.)

10 IVAN SMITH,
11 called as a witness on behalf of the
12 Petitioner-Defendant, having first been duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. NOLAN:

16 Q. Speak loudly and clearly to the judge and so
17 the court reporter can hear, and tell the judge your
18 name.

19 A. Ivan Smith.

20 Q. You're one of the defendants in this case
21 before Judge Strayhorn?

22 A. Yes.

23 Q. Ivan, sometime in November of 1991, where
24 were you living?

1 A. In Ripley, Tennessee.

2 Q. With who?

3 A. My mother.

4 Q. Were you arrested down there?

5 A. Yes.

6 Q. Do you recall the exact day?

7 A. I can't recall.

8 Q. Who arrested you?

9 A. Lauderdale. That's in Ripley, Tennessee.

10 Q. Where did they take you?

11 A. Lauderdale County Jail.

12 Q. How long were you at that county jail?

13 A. I stayed at the county jail for about two or
14 three hours.

15 Q. Did they tell you why you were under arrest?

16 A. They said I was under arrest for a murder.

17 Q. Did anything happen to you while you were in
18 that county jail?

19 A. Yes.

20 Q. What was that?

21 A. Officers that arrested me at my mother's
22 house started choking me.

23 Q. Were you handcuffed?

24 A. Yes.

1 Q. Did they say anything to you while they were
2 choking you?

3 A. Yes.

4 Q. What was that?

5 A. They say, "You a city slicker come all the
6 way down here and try to disrupt our home."

7 Q. How long were they choking you?

8 A. About two or three minutes.

9 Q. Did they tell you what they were going to do
10 with you?

11 A. Can you say that again?

12 Q. Did they tell you what they were going to do
13 with you?

14 A. Yes.

15 Q. What was that?

16 A. Lock me up.

17 Q. Did they tell you anybody was coming to get
18 you?

19 A. Yes.

20 Q. Who was that?

21 A. Chicago police.

22 Q. You were there two or three hours. Where
23 did you go from there?

24 A. From there I went to Tipton County Jail.

1 Q. Is that in Tennessee?

2 A. Yes.

3 Q. Did those Lauderdale County Police turn you
4 over to the people at Tipton County?

5 A. Yes.

6 Q. Did you remain for some time in Tipton
7 County Jail?

8 A. Yes.

9 Q. How long were you -- strike that. Did
10 eventually Chicago detectives come up to Tipton County
11 Jail to interview you?

12 A. Yes.

13 Q. How long were you there before the Chicago
14 police came?

15 A. I can't recall.

16 Q. Was it more than one day?

17 A. Yes.

18 Q. What were the conditions like there while
19 you were waiting to be interviewed by the Chicago
20 police?

21 A. I was sleeping on the floor. They was
22 tossing me food.

23 Q. Tell the judge what you mean by you were
24 sleeping on the floor.

1 A. I was in a cell -- a one man cell with a
2 mattress on the floor with lice all over it, and they
3 was giving me food from anywhere -- other plates is
4 where I was getting it.

5 Q. Were you eating the food at all?

6 A. No.

7 Q. Did you talk to a lawyer while you were in
8 Tipton County Jail before the Chicago police came?

9 A. Yes.

10 Q. What was the purpose of talking to that
11 lawyer?

12 A. He told me he was an extradition (sic.)
13 lawyer.

14 Q. You mean extradition?

15 A. Yes.

16 Q. Did he appear in court with you?

17 A. Yes.

18 Q. Did he give you any advice?

19 A. Yes.

20 Q. What was that?

21 A. He told me, "Chicago police will be down
22 here to ask you questions. Don't answer nothing
23 unless your mother or lawyer are present."

24 Q. Sometime now after being in custody at

1 Tipton County Jail, did, in fact, detectives from the
2 Chicago Police Department come to that jail and talk
3 to you?

4 A. Yes.

5 Q. Do you remember who they were?

6 A. Yes.

7 Q. Did they identify themselves to you?

8 A. Yes.

9 Q. Was anybody with the detectives?

10 A. Yes.

11 Q. What were the names of the people that came
12 and talked to you. Do you remember?

13 A. It was Officer O'Brien, Officer Stehlik,
14 Mike Smith. He wasn't an officer. He was a State's
15 Attorney. And a court reporter. I can't recall her
16 name.

17 Q. Man or a woman?

18 A. Woman.

19 Q. Did the Tipton County Police mistreat you at
20 all?

21 A. No.

22 Q. When the Chicago police got there, the first
23 conversation you had with O'Brien and Stehlik, tell
24 the Judge what that conversation was.

1 A. The first conversation with O'Brien and
2 Stehlik asked me about some murders that occurred in
3 Chicago, and I told them I wasn't saying nothing
4 without my lawyer or my mother present.

5 Q. Did you request the detectives for a lawyer?

6 A. Yes.

7 Q. What did they tell you?

8 A. They said, "You can't get a lawyer until you
9 get back to Chicago."

10 Q. Did they tell you they were going to take
11 you back to Chicago?

12 A. Yes.

13 Q. Did you tell them that you lived in the next
14 county over with your mother?

15 A. Yes.

16 Q. What did they tell you?

17 A. They said, "You're not calling your mother
18 until you get to Chicago."

19 Q. After they told you, "You don't get a lawyer
20 until you get back to Chicago," what if anything
21 happened?

22 A. After that Officer Stehlik, Officer O'Brien,
23 and Mike Smith took me to a back room.

24 Q. Is this in the Tipton County Jail?

1 A. Yes.

2 Q. When you went in the back room, were those
3 the only three people present with you?

4 A. Yes.

5 Q. Were there any people from Tipton County
6 there?

7 A. Tipton County stayed in the front.

8 Q. In this back room, did they close the door?

9 A. No.

10 Q. Did they confront you with any evidence that
11 -- did they tell you that they had any evidence
12 against you in this shooting?

13 A. Yes.

14 Q. What did they tell you?

15 A. They said, "We have statements from your
16 friends. We have the victim saying that you was
17 there, and we need somebody to testify."

18 Q. Did they say anything about fingerprints?

19 A. Yes.

20 Q. What was that?

21 A. They said they had my fingerprints on a
22 steering wheel of a taxi cab.

23 Q. Did they tell you anything about a fellow by
24 the name of Terry Brooks they had in custody?

1 A. Yes.

2 Q. What did they tell you?

3 A. "Terry Brooks didn't make a statement. We
4 need somebody to testify against him."

5 Q. And they needed what?

6 A. Someone to testify against him.

7 Q. Did you respond to that? Did you tell them
8 anything?

9 A. I told Chicago police officers that I wasn't
10 saying nothing, and, "I'm not testifying against no
11 one unless my mother or lawyer was present."

12 Q. Did they do anything to you?

13 A. Yes.

14 Q. What was that?

15 A. Slapped me.

16 Q. Where did they slap you?

17 A. Officer O'Brien slapped me in my face.

18 Q. Did he tell you whether or not he believed
19 you were telling the truth that you knew nothing about
20 these shootings?

21 A. Can you say that again?

22 Q. Did he tell you he believed you when you
23 told him you knew nothing about the shootings?

24 A. He said he didn't believe me.

1 Q. What happened after he slapped you in the
2 face?

3 A. After he slapped me in the face he asked
4 the same question again. "Is you going to cooperate
5 with us?" I said, "I ain't saying nothing unless my
6 mother or lawyer is present."

7 Q. Did he call you any names?

8 A. No.

9 Q. What happened after he -- you told him you
10 weren't going to say anything without a lawyer there?

11 A. Officer O'Brien said, "You think we playing
12 with you?" And I said, "I still ain't saying
13 nothing." So Officer -- so at that time Officer
14 O'Brien slapped me back of my head and I stood up.

15 Q. How many times was it that he hit you up to
16 this point?

17 A. Up to this point about the second or third
18 time.

19 Q. You tried to stand up you say?

20 A. Yes.

21 Q. What happened?

22 A. Officer Stehlik called the Tipton County
23 Police.

24 Q. Did they come in?

1 A. Yes.

2 Q. What happened?

3 A. They handcuffed me behind my back.

4 Q. You weren't handcuffed up until that point?

5 A. My ankle was chained to the table. I wasn't
6 handcuffed.

7 Q. You were shackled to the table by Tipton
8 County Police?

9 A. Yes.

10 Q. Now, you were handcuffed by the Tipton
11 County Police?

12 A. Yes.

13 Q. Did he stay?

14 A. The Tipton County Police left.

15 Q. What happened after you were handcuffed?

16 A. After I was handcuffed Officer O'Brien
17 asked the same question again and I didn't say
18 nothing. So by that time Officer O'Brien started
19 punching me in my chest with his fist.

20 Q. Did they tell you they wanted you to say or
21 do anything?

22 A. Yes.

23 Q. What was that?

24 A. They said they wanted me to testify against

1 Terrence Brooks.

2 Q. While you were in Tennessee though, before
3 you got to court, did they say they wanted you to say
4 anything down there?

5 A. Yes.

6 Q. What was that?

7 A. Officer O'Brien, Stehlik, and Mike Smith
8 wanted me to say that I was driving a cab and that I
9 was on the scene when the incident happened.

10 Q. Did they tell you that they wanted you to do
11 something for them down there?

12 A. Yes.

13 Q. What was that?

14 A. Make a statement.

15 Q. Did they tell you why they brought the young
16 lady with them?

17 A. Yes.

18 Q. What was that?

19 A. So she can take my statement down.

20 Q. What did you tell them at that time -- this
21 point?

22 A. I said, "I ain't doing so."

23 Q. After you were handcuffed you said you were
24 hit in the chest. Would you tell the judge how that

1 came about?

2 A. How it came about. Officer O'Brien kept
3 asking me. And then by him telling me, "You think I'm
4 playing with you," and I didn't say nothing. So he
5 got mad and started punching me in my chest, and I
6 told him, "It don't hurt."

7 Q. You told him "It doesn't hurt"?

8 A. "It doesn't hurt."

9 Q. Did he do anything then?

10 A. He said, "We got all the time in the world."
11 He said, "We being paid for being down here. I'm
12 still getting paid." I told him, "You can have -- you
13 will have a long wait on your hands."

14 Q. Did he do anything to you then?

15 A. Yes.

16 Q. What did he do?

17 A. Kept punching me.

18 Q. Did they put anything on you?

19 A. Yes.

20 Q. What was that?

21 A. A phone book. Officer O'Brien carried me by
22 my shoulders after he stopped punching because he said
23 -- he grabbed me by my shoulders and smashed me down.

24 Q. When you say "smashed" you down, were you

1 sitting when he grabbed you by the shoulder?

2 A. Yes.

3 Q. How did he put you down?

4 A. On my back. I was laying on the back.

5 Q. On the floor or --

6 A. On a bench.

7 Q. Were you handcuffed and shackled?

8 A. Yes. My hands were handcuffed behind my
9 back, and my ankles were shackled to the table.

10 Q. And when you were laying on your back on the
11 bench, what happened?

12 A. Officer Stehlik grabbed a phone book and a
13 stick.

14 Q. What did he do with the phone book?

15 A. Layed the phone book on my chest.

16 Q. What next?

17 A. He opened the phone book in the middle and
18 started hitting me with the stick.

19 Q. Where -- where the phone book was?

20 A. Yes.

21 Q. How many times did he hit you?

22 A. About fifteen to sixteen times.

23 Q. Did it hurt?

24 A. Yes.

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1 Q. At first did it hurt? Was he hitting you
2 hard?

3 A. At first it wasn't hurting. Then the second
4 time when he started hitting me I couldn't catch my
5 breath, so he stopped and asked me would I cooperate.

6 Q. Was he saying anything to you when he was
7 hitting you?

8 A. Yes.

9 Q. What was he saying?

10 A. He said, "You going to say something or
11 we're going to finish this in Chicago. We can finish
12 it here or finish it in Chicago."

13 Q. And when you were being -- strike that.
14 What type of stick was it? Did you see?

15 A. An oak stick. A little, thin oak stick.

16 Q. Were you in pain when you were struck with
17 that stick?

18 A. Yes.

19 Q. What type of pain did you experience?

20 A. I couldn't breathe. I felt like I was going
21 to fall out, and I was scared.

22 Q. Did he eventually stop hitting you in the
23 chest?

24 A. Yes.

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1 Q. What if anything occurred after he stopped
2 hitting you?

3 A. He asked me the question again. I told him
4 I wasn't going to say nothing. So he started back.
5 By this time I couldn't catch my breath for awhile, so
6 he stopped. He said, "You going to cooperate now?"
7 And I said, "Yes."

8 Q. How old were you at the time?

9 A. I was nineteen.

10 Q. What was going through your mind when you
11 were being hit with the stick in the chest and you
12 were short of breath?

13 A. I thought they was going to kill me.

14 Q. When they stopped hitting you the second
15 time, did they say anything about further beatings?

16 A. Say that again.

17 Q. When they stopped hitting you the second
18 time, were you threatened at all?

19 A. Yes.

20 Q. With what?

21 A. They asked me to make a statement. I said
22 -- asked me to make a statement. I told them I wasn't
23 going to make a statement against no one or myself.
24 They said, "If you don't do this, we'll do it back in

1 Chicago and do it the right way."

2 Q. After he stopped hitting you in the chest
3 the second time, did you, in fact, talk to the police?

4 A. Yes.

5 Q. Did they ask you to do something?

6 A. Yes.

7 Q. What was that?

8 A. Make a statement.

9 Q. Did you, in fact, talk to them and sign
10 pieces of paper?

11 A. Yes.

12 Q. After you were done with that, did they do
13 anything else to you at Tipton County Jail?

14 A. Yes.

15 Q. What was that?

16 A. They told me to tell the court reporter that
17 I was driving the cab, that I was --

18 Q. Not what you told them. After you were done
19 with the statement, did --

20 A. They took pictures.

21 Q. They took pictures of you there?

22 A. Yes.

23 Q. Describe for the judge what happened when
24 they took the pictures.

1 A. Mike Smith had a vase in his hands with
2 flowers in it, and he asked me to grab it and the
3 other end of it. I said I wasn't going to grab it.
4 So by this time Officer O'Brien came over and said,
5 "Grab the vase," so I grabbed the vase. And then by
6 that time Officer O'Brien took pictures.

7 Q. Did you leave the Tipton County Jail for
8 Chicago after this was done?

9 A. I didn't leave that day.

10 Q. The next day did you leave?

11 A. Yes.

12 Q. Did they fly you back to Chicago?

13 A. Yes.

14 Q. Did you go through Memphis?

15 A. Yes.

16 Q. Before you went to the airport did you
17 stop--

18 MR. MULDOON: Objection to anything after the
19 statement was made.

20 THE COURT: Sustained.

21 MR. NOLAN: Q. Did you examine yourself after the
22 beatings stopped and you signed the statement to see
23 if there were any marks where you were hit?

24 A. Yes.

1 Q. Were there any marks on your chest?

2 A. No.

3 Q. When you got back to Chicago and you talked
4 to people in the County Jail, did you make any
5 complaints about the treatment at the hands of the
6 police?

7 A. Yes.

8 Q. To whom?

9 A. I made -- County Jail, Division 6 I asked
10 the officers, "Can I go to Cermak because my ribs hurt
11 and the officers beat me." It was -- they thought I
12 was playing. The division I was on it was 107
13 inmates, and they keep coming back and forth all the
14 time asking them to do things for them.

15 Q. Did you get any medical attention?

16 A. No.

17 Q. You requested it from an officer in Division
18 67?

19 A. Yes.

20 Q. It was because of sore ribs that you
21 received from the beating?

22 A. Yes.

23 MR. NOLAN: Nothing else.

24 THE COURT: Cross examine.

1 CROSS EXAMINATION

2 BY MR. MULDOON:

3 Q. Mr. Smith, you said that they told you what
4 to say?

5 A. Yes.

6 Q. And so you made your -- what you told the
7 court reporter was basically what they told you; is
8 that right?

9 A. Yes.

10 Q. And they told you -- they layed out the
11 whole story for you; is that right?

12 A. Yes.

13 Q. And that statement that you signed, that was
14 20 pages long; is that right?

15 A. Yes.

16 Q. And that whole 20-page statement, that you
17 were telling the court reporter what they told you; is
18 that right?

19 A. Yes.

20 Q. People's Number 1, this is the photograph
21 that they took of you; is that right?

22 A. Yes.

23 Q. That's at the Tipton County Jail; is that
24 right?

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1 A. Yes.

2 Q. Now, isn't it a fact that this -- when they
3 talked to you, it was the room they used as a
4 cafeteria at the Tipton County Jail?

5 A. Yes.

6 Q. And, in fact, it's a pretty big room, isn't
7 it?

8 A. Yes.

9 Q. About half the size of this courtroom?

10 A. Yes.

11 Q. And that cafeteria, it's got two walls that
12 are made out of bricks, but the other two walls are
13 glass; is that right?

14 A. It should be.

15 Q. Yeah. Now, you told the judge that there
16 was O'Brien, Stehlik, and Mr. Smith; is that right?

17 A. Yes.

18 Q. Isn't it a fact that there were two State's
19 Attorneys down there?

20 A. No. It was Mike Smith and a court reporter
21 and two officers.

22 Q. Describe Mike Smith for me.

23 A. Mike Smith is short, white male, black hair.

24 Q. Was there -- wasn't there a man down there

1 by the name of Charles Burns or Chuck Burns?

2 A. No.

3 Q. A tall, white male, skinny?

4 A. No.

5 Q. Wasn't it a fact that he was present with
6 the court reporter and O'Brien and not Mike Smith?

7 A. No. It was -- it was O'Brien, Stehlik,
8 Mike Smith, and the court reporter.

9 Q. And describe this stick that you say Stehlik
10 had.

11 A. A small, like a --

12 Q. Show us how big.

13 A. About like this. About this big.

14 (indicating.)

15 MR. MULDOON: About eighteen inches?

16 MR. NOLAN: It looks like eighteen inches to two
17 feet.

18 THE COURT: All right.

19 MR. MULDOON: Q. And what color was it?

20 A. Black.

21 Q. Like a police night stick?

22 A. Yes.

23 Q. And you were in the cell when the Tipton
24 County officials came and got you; is that right?

1 A. Yes.

2 Q. And they put you in that room where the
3 detectives and the State's Attorney were; is that
4 right?

5 A. When I was in my room they brought me out
6 and brought me up front at the front desk, and I
7 stayed there for a few minutes. And then when I left
8 from there, I went in the back to the cafeteria.

9 Q. And the people from Chicago were already in
10 the cafeteria at that time; is that right?

11 A. The people from Chicago was in the front
12 with me.

13 Q. And you all went over to the cafeteria, is
14 that right?

15 A. Only person in the cafeteria was me,
16 O'Brien, Mike Smith, and Stehlik.

17 Q. Isn't it a fact that you were arrested on or
18 about November 9th -- does that sound right? November
19 9th of '91?

20 A. Somewhere around there.

21 Q. And the people from Chicago didn't get there
22 until the 22nd of November; is that right?

23 A. I can't recall what day they got down there.

24 Q. Well, it was at least almost two weeks; is

1 that right?

2 A. I can't recall how long -- I can't recall
3 how long I was locked up.

4 MR. MULDOON: Judge, if I may have one more
5 second.

6 I don't have anything else.

7 THE COURT: Redirect.

8 MR. NOLAN: Nothing, Judge.

9 THE COURT: Step down.

10 (Witness excused.)

11 MR. MULDOON: My first witness is Detective
12 Stehlik.

13 (Witness sworn.)

14 JOSEPH STEHLIK,
15 called as a witness on behalf of the Respondent,
16 having first been duly sworn, was examined and
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MULDOON:

20 Q. Detective, will you please state your full
21 name and spell your last name?

22 A. Joseph S-t-e-h-l-i-k, star number 21002.

23 Q. Are you employed by the Chicago Police
24 Department?

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